

Moved by Lee

Seconded by Lakey

IN THE SENATE
SENATE AMENDMENT TO H.B. NO. 246

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 11 through 40, and insert:

"SECTION 1. That Section 32-1010, Idaho Code, be, and the same is hereby amended to read as follows:

32-1010. ~~INTENT OF THE LEGISLATURE~~ IDAHO PARENTAL RIGHTS ACT. (1) This section through section 32-1014, Idaho Code, shall be known and may be cited as the "Idaho Parental Rights Act."

(2) The interests and role of parents in the care, custody and control of their children are both implicit in the concept of ordered liberty and deeply rooted in our nation's history and tradition. They are also among the unalienable rights retained by the people under the ninth amendment to the constitution of the United States.

(23) The interests of the parents includes the high duty and right to nurture and direct their children's destiny, including their upbringing and education.

(34) The state of Idaho has independent authority to protect its parents' fundamental right to nurture and direct their children's destiny, upbringing and education.

(45) The protections and rights recognized in sections 32-1011 through 32-10134, Idaho Code, are rooted in the due process of law guaranteed pursuant to section 13, article I, of the constitution of the state of Idaho.

(56) Governmental efforts that restrict or interfere with these fundamental rights are only permitted if that restriction or interference satisfies the strict scrutiny standard provided in section 32-1013, Idaho Code.

(67) Nothing in this act shall be construed as altering the established presumption in favor of the constitutionality of statutes and regulations.

(8) The provisions of the Idaho parental rights act are hereby declared to be severable, and if any provision of the act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of the act.

SECTION 2. That Chapter 10, Title 32, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 32-1014, Idaho Code, and to read as follows:

32-1014. EMERGENCY ORDER NOT JUSTIFICATION TO INTERFERE WITH PARENTAL RIGHTS. At no time shall the existence of any order, proclamation, or declaration issued pursuant to chapter 6 or 10, title 46, Idaho Code, be considered essential to further a compelling governmental interest to justify:

- 1 (1) Forced medical action on a child;
- 2 (2) Forced removal of a child from the home; or
- 3 (3) The violation of or interference with a parent's fundamental and
- 4 established rights protected by the Idaho parental rights act."

5 On page 2, in line 1, delete "SECTION 2" and insert: "SECTION 3".

6 CORRECTION TO TITLE

7 On page 1, delete lines 2 through 9, and insert:

8 "RELATING TO DOMESTIC RELATIONS; AMENDING SECTION 32-1010, IDAHO CODE, TO
9 PROVIDE A SHORT TITLE, TO PROVIDE A CORRECT CODE REFERENCE, TO PROVIDE
10 SEVERABILITY, AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 10,
11 TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1014, IDAHO
12 CODE, TO PROVIDE THAT CERTAIN ORDERS, PROCLAMATIONS, OR DECLARATIONS
13 SHALL NOT BE CONSIDERED JUSTIFICATION FOR FORCED MEDICAL ACTION ON A
14 CHILD, FORCED REMOVAL OF A CHILD FROM THE HOME, OR THE VIOLATION OF OR
15 INTERFERENCE WITH PARENTAL RIGHTS; AND DECLARING AN EMERGENCY."